

SPECIFICATIONS BALKED BIDDERS

Major Gillette Says He Drew Plans That Embarrassed the Contractors.

RADICAL OPTION CHANGES

Gillette Explains How Army Engineers Imposed On Contractors.

(By Associated Press.)
SAVANNAH, GA., February 12.—A stage of the Greene and Gaynor trial was reached to-day that proved replete with interest. It was the cross-examination of Major Cassius E. Gillette, who for the last two days have been occupying the stand for the government and had given much testimony relating to his connection with the river and harbor work of this district as done by Greene and Gaynor, the contractors under charges of defrauding the government out of about \$2,000,000.

Major Gillette was cross-examined for half an hour, by Mr. Osborne, for the defense, and to-morrow will continue upon the stand. In fact, several days may be required for the completion of his testimony, as the prosecution has indicated that he will be recalled for further evidence along divergent lines. Judge Spear, in order to facilitate the progress of the case, declared that strict adherence would be paid rules laid down in one of the Supreme Court reports for the examination of witnesses. This, he thought, would reduce the time required as witnesses would not be so frequently recalled.

Change in Options.

Major Gillette said on direct examination that up to the time the Edward H. Gaynor contract at Cumberland Sound was let the submission of three designs of mattresses by the bidders at the same price, with the selecting of the kind left to the discretion of the engineer officer had never been heard of. Heretofore the plan had been to bid on three designs at one price with the selection of the kind to be used at the contractor's option. The change from contractor's option to engineer's option was a radical one, resulting in a great disadvantage to those contractors who did not know what design the engineer would choose, and a corresponding advantage to those contractors who did know, the device practically cutting off competition.

"Following these changes in the specifications," said Major Gillette after examining several contracts, "the price jumped from \$1.00 per square yard to \$3.00 per square yard."

The price of log mattresses more than doubled at Cumberland Sound, and each cubic yard of fascine cost the government \$4.00, whereas about the same character of work was let at \$1.50 under Major Gilmore."

On cross-examination Mr. Osborne asked Major Gillette if he ever knew of any contract specifications under which an engineer officer, if he were corrupt and so desired, could not impose upon a contractor and cause him embarrassment. The witness answered that he thought he had drawn such specifications.

"I am not referring to your specifications, Major, but leaving Major Gillette out of it," said Mr. Osborne. "Have you ever known of such specifications drawn by others?"

"I have not," answered Major Gillette.

ANNEXATION CASE NEARING ITS END

(Continued from First Page.)

Town Council of Fairmount against the charge of Attorney Wendenburg that that body had been guilty of folly in making a bonded debt for water pipes and a sewer system. He showed that this work was absolutely necessary for the health and comfort of the citizens.

Mr. Gardner added that to all intents and purposes Fairmount is a part of Richmond, its citizens being Richmond people making their living in Richmond and are entitled to the protection of Richmond's government. To show that Fairmount will not come in as a burden to Richmond, he called attention to the civic improvements made in the town, and said that which were made to conform to and to fit in with those of Richmond.

Mr. Meredith's Speech.

Mr. Meredith next spoke for annexation and took up considerable time in presenting the constitutionality of the annexation act passed by the Legislature. The Constitution requires the Legislature to make general laws, whereby cities may expand or contract when circumstances demand. The annexation act under consideration was in response to this requirement of the Constitution, and he contended that the act itself



TO CREATE The Beautiful Harmonies That Make Perfect Music

It is absolutely necessary that the piano be a strictly high grade scientifically constructed instrument, equal to the delicate pianissimo, and alike to depicting the fire and spirit of the musician's fancies. What would the thrilling works of Liszt sound like on some of the tin pans that, disguised and spirited in among reputable pianos, are represented to the buying public as high grade, sweet-toned instruments? Such pianos will prove their worthlessness before they have had even ordinary usage.

In buying a piano be sure that the purchase is made from a company that bears a reputation for selling strictly first-class instruments and no other.

The Cable Company's trade mark is recognized the world over as an absolute guarantee that their instruments are standards of piano manufacture.

SEE THE CABLE LINE.

(Synonymous to perfect Pianos.)

Mason & Hamlin, Cable, Wellington, Conover, Kingsbury, Dekoven.

The Cable Company, Richmond, Va.

J. G. CORLEY, Manager.

meets every requirement of the Constitution and the common law.

He claimed that the narrow view of the statute taken by counsel on the other side assumed that the Constitutional Convention and the Legislature both had made laws that were constructed so that they may defeat themselves.

Questions of financial advantages or disadvantages for the city or the county, contended Mr. Meredith, did not enter, but the question at issue is simply: Should the property be annexed in the interest of the health, prosperity and good government of the State? No narrow idea of State, county or city finance should enter into the matter.

Powers of the Court.

Taking up the duties of the court in the premises, Mr. Meredith denied that the court is called upon to decide all the details of the terms of annexation. To do that Judge Nicol would have to be a kind of jack of all trades, an expert civil engineer, with a full knowledge of the proper way to run sewers, a gas expert, a water pipe expert and a hygienic expert, as well as all these things, to be able to enter into consideration of all the details which the anti-annexationists wish him to go into. The law clearly defines the powers of the court, which is to pass upon the general terms of annexation and modify them, if deemed proper, under the law. The statute does not undertake to specify all the things the city must do in the annexed territory, and the city has come squarely up to all the requirements of the statute in specifying in general terms that Richmond will give the new territory water, gas, sewers, sufficient school facilities and protection from fire. The statute does not require the city to say what size water pipes shall be laid on specified streets. Discretion is left the city in specifying general terms, and it is left to the court not to reject them as a whole, but to modify the general terms.

The court is not expected to go into all the general terms even, but much must be left to the enlarged city government. Mr. Meredith spent considerable time discussing section 9 of the annexation bill and combating Mr. Wendenburg's construction of it, as indicated in the examination of witnesses in the case. He contended that the object of this section is to give individuals the benefit of mandamus proceedings against the city government in specific cases that may hereafter arise from time to time, and not to give this court the wonderful power to pass upon the details of annexation.

Counsel contended that there is no intimation anywhere in the Constitution that the spirit or the language of the organic law opposes the extension of the limits of growing and prosperous cities, but rather encourages it; therefore, when the court comes to consider the extent of the territory to be taken in, no narrow or contracted view should prevail.

Afternoon Session.

Court and lawyers were on hand promptly at 2 o'clock, and immediately upon the opening of the court Hon. A. C. Braxton took the floor to argue on behalf of Henrico county against annexation.

In the very outset Mr. Braxton disputed the constitutionality of the Anderson annexation act, and took much time in argument of that question. He said he was profoundly convinced that the act is clearly unconstitutional, and he stated this merely to explain his earnestness in arguing this point. The speaker laid down the proposition that the act is violative of the Constitution of Virginia and the whole spirit of the organic law, which are particularly to be observed in government to encroach upon the powers of other branches of government.

He said he had relied almost entirely upon the decision of Wade vs. The City of Richmond. This case grew out of the annexation of outside territory to Richmond, and certain people came into court in opposition to the then annexation scheme and complained that they had been taken into Richmond without being given a hearing in court. The court decided that these people had no right to be heard in court, because annexation is a legislative act and not a judicial one.

Counsel contended that the Anderson annexation law, is a hybrid in that it vests legislative powers upon the judicial branch of government, which it had no constitutional right to do, the question of the wisdom and expediency of annexation is purely a function of the legislative branch and not of the judicial branch of government, and the court has no right to modify the lines or to make new lines for annexation or to do anything else about it.

If such composite powers had not been conferred upon the State Corporation Commission, Mr. Braxton replied that these powers were conferred upon the Corporation Commission specifically by the Constitution itself, because the powers of the Constitution recognize the fact that the Legislature could not do it.

"That being done," said the court, "does it not follow that the powers thus given, are in violation of the Constitution of the United States?" Mr. H. W. Anderson, who was sitting just behind Mr. Braxton, laughed loudly when this query, innocently enough propounded this query, and Judge Nicol smiled when Mr. Braxton replied: "I have decided views on that point, but as my friend, Mr. Anderson and I are soon to clash on it, I would refrain from making anything here that would afford him a chance to shoot at me, without rest elsewhere." The court withdrew the question.

Mr. Braxton consumed nearly two hours in an able discussion of the constitutional point he had raised.

Assuming the merely for argument's sake, that the law is constitutional, Mr. Braxton took up the ordinance of the City Council proposing annexation and criticized it severely, claiming that it was not in compliance with the legislative act. He said that the ordinance was not as specific as the law requires as to what improvements are to be made in the annexed territory. "It simply says," contended Mr. Braxton, "we will take you in and do what is right by you," and that is too indefinite to comply with the language and spirit of the statute. The only opportunity the people in the proposed new territory will ever have to force Richmond to do the square thing by them is before annexation in this court and the court's decree must say specifically what are the rights of these people.

In conclusion Mr. Braxton pointed out the points on the map which he wanted kept outside the city under the law and the testimony and he pointed out more than two-thirds of the territory proposed to be annexed. Mr. Braxton spoke a little more than three hours.

Mr. Anderson then took the floor against annexation in general and the annexation of the Dooley property in particular.

Mr. Anderson also attacked the constitutionality of the annexation act, and very earnestly contended that there was a line in the Constitution from the first to the last page to lead one to believe that it ever intended for the Legislature to delegate to a court of justice the powers which this annexation act had delegated to this court.

He went further and said no State Constitution in America and no Constitution in Great Britain allows that power to be conferred upon the courts. The annexation act delegates powers and duties to the court, which the Constitution places upon the shoulders of the Legislature. He contended that the act of the Legislature has not changed the political boundaries of Richmond and of Henrico county nor has the ordinance of the City Council of Richmond changed them, but if they are ever changed, as contemplated by the annexation scheme, it will be by the decree of this court, and thus the decree will be making law for this time and for the future, which is not within the constitutional power of the judiciary, but belongs to the Legislature. He also contended that it is

unconstitutional for the court by decree to impose additional debts upon the people of Richmond, which this court will do if it declares the annexation of Fairmount nor has the Legislature the power to do this by the enactment of a general law, but only by the enactment of a local law empowering the City Council to assume the debt.

Coming down to the Dooley property Mr. Anderson contended that to take it in would be to violate the annexation law, the Constitution of Virginia and the amendments to the Constitution of the United States. As to the alleged necessity of taking in the Dooley property, Mr. Anderson contended that there was no necessity for it in order to make the annexed territory a "reasonably compact body of land," nor will it be needed by the city for city development within a "reasonable length of time."

He argued these points at length and pending his discussion of the testimony court adjourned to 10 o'clock this morning.

RINK MARDI GRAS.

Fancy Dress Carnival to Be Given at the Reservoir.

The management of the big skating rink at the Reservoir have made arrangements for about 5,000 people attending the Mardi Gras and fancy dress carnival to be held Tuesday night, February 27th, when the great skating floor will be open to the public and handsome and valuable prizes offered in the various events.

The following is a list of the events that night and the prizes offered:

Couples, gentleman and lady, in graceful skating contest; first prize, a handsome silver loving cup to the lady; a pair of handsome skates to the gentleman. Second prize, pair of rink skates to the lady, and a pair of rink skates to the gentleman.

Second event—Handsome costumed couple; first prize, fine silk umbrella to lady and a walking stick to gentleman. Second prize, pair of rink skates to the lady and same kind of skates to the gentleman.

Third event—Couples dressed in best comic or burlesque costume; first prize, Cardigan skating jacket and cap to lady and a Knox hat to the gentleman. Second prize, pair of rink skates to both the lady and gentleman.

Fourth event—Ladies or girls in prettiest costume; first prize, gold monogram locket. Second prize, five-pound box of best candies.

Fifth event—Ladies or girls in best comic or burlesque costume; first prize, silver monogram locket. Second prize, pair of steel rink skates.

Sixth event—Gentlemen or boys in best comic or burlesque costume; first prize, pair of gold link cuff buttons. Second prize, gold scarf pin.

In addition to these prizes, a blue ribbon rosette will be presented to each winner of first prize and a red ribbon to the winner of second prize.

This carnival is intended by the management to be an ante-Lenten affair, and principally for the benefit of its thousands of patrons, though others will be admitted, provided they are of good reputation and standing. No questionable character, of either sex, will be admitted to the building under any circumstances. In order to insure the fact that there will be no deviation from the high standard maintained by the management from the first, all persons will have to lift their masks before going on the skating floor, and none but maskers will be admitted to the skating floor that night.

Another rule which has been adopted for this occasion is to allow no refreshment to be sold, and no refreshment will be admitted in clothing of the other sex.

Arrangements have been made by numbers of the patrons of both sexes for their costumes for carnival night. Some are making their own at home, and others have engaged them from the costumers who maintain the costume of the rink almost daily with samples.

Large numbers of the ladies are to be seen at almost every session of the rink practicing in the center of the floor to take part in the various contests carnival night.

THE WHITE TEMPLE.

Twenty-five "Drunks" Appear in Court and Hand Out V's.

John Palmer (colored) was given thirty days in the City Court yesterday morning for being found prowling on the street late at night without being able to give a proper account of himself.

R. W. Blakey and Peter Marion, well known visitors in Justice Crutchenfeld's court, were given four months each for having been drunk on Sunday. Twenty-three others were handed sentences ranging from a two-dollar fine to three months in jail.

James Medley, otherwise known as "Catskin," was held for thirty days in default of security. "Catskin" had visited No. 94 East Marshall Street and there put up for the night without the leave of the landlord. It was also that the man had swiped \$5.00 from a member of the household.

John Moore (colored), who abused and assaulted Policeman B. A. Helton Saturday night, was fined \$25 and sentenced to ninety days in jail. Officer Tolson said that the negro had overpowered him and had struck him in the head with a stick.

Art Thurston, alias "Phage," was fined \$5 for creating a disturbance on the streets Saturday night.

Will Have a Big House.

Great interest is manifested in the coming of Governor Robert M. La Follette to Richmond. The senator will lecture at the Academy of Music Saturday night. He will give a lecture on "Great and Great Reformers of the Nineteenth Century." Mr. La Follette is one of the most prominent public men of today, and is in demand everywhere. As an author, debater, lawyer and statesman he stood in the front ranks of the great reformers of the nineteenth century. His name is coupled with a few stars, such as Lincoln, Washington, and Jefferson, and so great is his ability as an orator and so great is his influence that he is followed by thousands of people.

He will be followed by the great reformer, William McKinley and Theodore Roosevelt.

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MITCHELL WILL REPLY TO DOLAN

President of United Mine Workers Says He Will Answer at Proper Time.

PREPARING FOR CONFERENCE

Mine Workers' Leader in New York—Spent Busy Day Getting Programme Ready.

(By Associated Press.)

NEW YORK, February 12.—President John Mitchell, of the United Mine Workers of America, who arrived here Sunday night to prepare for the conference on Thursday between the mine workers of the anthracite region and their employers, spent a busy day at the headquarters in the Ashland House, arranging his programme for the meeting. Mr. Mitchell declined to discuss the anthracite coal situation, so far as it related to the miners' union, in advance of the meeting with the operators. Neither would he talk of the conditions in the West.

Mr. Mitchell was in conference to-night with the presidents of the three anthracite districts, Messrs. T. D. Nichols, William H. Dettrey and John Fahey, who will take up most of his time between now and Thursday in the work of perfecting the demands or propositions to be laid before the coal mine owners. The outline of these demands was drafted by the three executive boards of the hard coal fields at a series of meetings held last week at Wilkes-Barre. No inkling of the exact nature of the demands has leaked out.

President George F. Baer, of the Philadelphia and Reading Coal and Iron Company, will be here to-morrow. It is understood that while here Mr. Baer will meet some of the officers of the other coal carrying railroads.

Mr. Mitchell declined to be drawn into a controversy with District President Patrick Dolan, but said he would make answer at the proper time.

DENIED SALARY RAISE.

A Teacher Passed Over Takes Her Own Life.

(Special to The Times-Dispatch.)

BAITIMORE, MD., Feb. 12.—Passed over in the recent increase in salaries from \$204 to \$220 a year, and after repeatedly declaring that she was unable to bear the humiliation of seeing younger and less experienced teachers than herself advanced when she was decided to be ineligible, Miss Ella Johanna Mollenhagen, teacher in School No. 15, Lexington Street and Fremont Avenue, ended her life yesterday morning at her home, No. 37 North Carrollton Avenue.

After eating her breakfast she went back to the kitchen, turned on both gas jets and, seated in a chair, calmly waited for death. She was found unconscious shortly after 7:30 o'clock by her sister, Miss Ida Mollenhagen. Dr. F. N. Tanner was summoned, but when he arrived he declared life was extinct. Colonel Jones, of the southwestern district, gave a verdict of suicide.

Miss Mollenhagen was thirty-one years old and had been teaching school eleven years. She stood 5 feet 6 inches tall, had brown hair and was popular with the children and her fellow-teachers. Although of a sensitive nature, she was always cheerful and was never heard to express any dissatisfaction with her work.

SHOT HIM DOWN.

G. T. Bailey Kills Sam Carr, Who Was Talking to His Wife.

(Special to The Times-Dispatch.)

BLADEFIELD, W. VA., Feb. 12.—G. T. Bailey shot and instantly killed Samuel Carr here today. There had been a bad feeling between the two men for several years, and to-day when Bailey returned home from a visit he found Carr talking to his wife and ordered him to leave the premises. Carr was drinking and reached for his pistol. Bailey, who shot through the head by Bailey before he had time to get his pistol.

Both men are prominent in that town.

Richmonders in New York.

(Special to The Times-Dispatch.)

NEW YORK, Feb. 12.—Broadway Central, L. R. Goodman; York, T. L. Anderson; Murray Hill, W. J. Carter.

ATTRACTIVE SERVICE

Fourteenth Anniversary of Randolph Street Baptist Church.

A very delightful special service was held at Randolph Street Baptist Church Sunday morning in celebration of the fourteenth anniversary of the church. There was a large crowd present. The pastor, Rev. W. E. Robertson, presided.

Mr. Otis J. Thompson, superintendent of the Sunday school, read a very interesting and well prepared historical sketch, showing the progress of the church from its organization in 1892, with 55 members, to the present, with a membership of 563. Mr. T. H. Collier read the treasurer's report for the past year, which showed a very decided improvement in the financial condition of the church.

Mr. C. H. Head, the church clerk, made a very inspiring address on the outlook for the future, in which he showed that all things point to a bright future for the church, and spoke of the vast opportunities for doing good in the great southwest section of the city as a whole.

A very pleasing feature of the service was the splendid musical programme rendered by the choir.

The present officers of the church are as follows: Deacons—John J. Mitchell, Jno. B. Miller, T. H. Collier, Phil. Krutzer, Jno. L. Kitchen, G. L. Dickinson and Wm. B. Elam.

Trustees—G. L. Dickinson, John J. Mitchell, R. B. Walton, Phil. Krutzer and Frank H. Ellyson.

Chorus—G. H. Head; assistant clerk, Chas. E. French.

Treasurer—Frank H. Ellyson. Financial Secretary—J. J. Baker. Auditor—John J. Mitchell.

Organist—Thos. J. Helbel; assistant organist, Mrs. Rena De Prato and Miss Lot Holland.

Ushers—East aisle, Robt. Whitmore, Jno. E. Taylor, Clarence Clark; center aisle, C. E. French, C. L. Lawrence, Geo. Garnett, W. A. Brackett; west aisle, B. F. Tansom, John Mills and R. P. Dansey.

FINDS STARVING HORSES.

Agent Taylor Locates Two That Had Had No Meals for Week.

900 DROPS

CASTORIA

A Vegetable Preparation for Assimilating the Food and Regulating the Stomach and Bowels of

INFANTS & CHILDREN

Promotes Digestion, Cheerfulness and Rest. Contains neither Opium, Morphine nor Mineral. **NOT NARCOTIC.**

Facsimile Signature of *Wm. D. Wills* NEW YORK.

At 6 months old 35 DROPS—35 CENTS.

EXACT COPY OF WRAPPER.

CASTORIA

For Infants and Children.

The Kind You Have Always Bought Bears the Signature of

Wm. D. Wills

In Use For Over Thirty Years

CASTORIA

THE CENTAUR COMPANY, NEW YORK CITY.

Removal Notice.

On and after February 15, 1906,

The Ainslie Carriage Co.

will occupy their new and commodious building,

8-10-12 South Eighth St.

This building has been designed and equipped with a view to the sale and manufacture of high-grade vehicles. The repository is the lightest, brightest and most convenient in the South. The factory is supplied with every modern convenience for the building, repairing and repainting of vehicles of every description.

NEW LOCATION:

8-10-12 South 8th St., Near Main.

Architects **Builders**

Watkins-

Vulcanite

Cottrell Company

Contractors **Property Owners**

A Strong Card.

That The Jefferson, Murphy's, Richmond and Rueger's Hotels are patronizing us, and have been for several years, the greatly reduced prices offered being no inducement for them to change, speaks plainly. They are satisfied. You can be by having us do your work.

The Royal Laundry,

207-209 North Seventh Street.

Phone 1959.

The Broad Street Bank

Invites the patronage of all who desire the services of a thoroughly equipped, conservatively managed, banking institution.

Interviews and Correspondence Invited

Investigate the trouble between the dogcatchers and the street-cleaning force, was to have a meeting at 8 o'clock, but failed to get a quorum, and the meeting was called off until next Thursday night.

Meeting Was Postponed.

The special Health Investigation Committee met at 6 o'clock last night, but no business was transacted, owing to the absence of Dr. Oppenheimer, president of the Board of Health, whose presence was necessary. Dr. Oppenheimer was detained by illness. Without attempting any business, the committee adjourned to meet Friday evening at 6 o'clock.

Unique Entertainment.

A unique entertainment will be held to-night at the Union Station A. E. Church, South, when the Musical Committee of the church will give a concert. The concert will begin at 8 o'clock. An interesting musical programme will be given by the choir of the church, assisted by

Children's Sunday Club.

The Monumental Children's Study Club will meet on Wednesday afternoon at 4 o'clock in the rooms of the Monumental Kindergarten.

All Her Fault.

Mr. Wombat-Loozy Yub, Claude Da's a heap o' scussation gwine on about de fact dat yo' ingured Miss Lulu's Smooch as hahd as de dance de ilder night dat yo' done broke two of her ribs. De gen'ral opinion am dat dat was n't no discrimination circumstances.

Mr. Coopah-De agone dar was n't. Not castin' any reflections on a lady, des comme as yo' use him to gwin what his ribs was done to take to a social function, uh?—Puck.

Oaths.

Judge had just begged Rocco not to swear by the instant moon.

"Well," he sneered, "do you want me to swear by Constable Road?"

Hereafter only Shakespeare's fact were to be a lover's quarrel.—Puck.

"B & B" Atlanta

Failed to Get a Quorum.

The joint subcommittee from the Police and Health Committees, appointed to in-

Justice Crutchenfeld continued the case until this morning, when the officers will have secured more evidence.